UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 APR 28 PM 12:23

UNITED STATES OF AMERICA, Plaintiff, v. **1) Oscar Moises RAMIREZ, 2) Claudia CALDERON-Morales, 3) Bruno De Jesus LOPEZ-Pedroza** Defendant(s)	Magistrate Case No. '08 MJ 1322 KNH COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **April 24, 2008,** within the Southern District of California, defendant **Oscar Moises RAMIREZ, Claudia CALDERON-Morales and Bruno De Jesus LOPEZ-Pedroza** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Martin SOLTERO-Munoz, Josue PEREZ-Bustos,** and **Anibal HERNANDEZ-Rodriguez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **APRIL 2008.**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

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1) Oscar Moises RAMIREZ,
2) Claudia CALDERON-Morales,
3) Bruno De Jesus LOPEZ-Pedroza

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Martin SOLTERO-Munoz, Josue PEREZ-Bustos,** and **Anibal HERNANDEZ-Rodriguez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 24, 2008, at approximately 3:15 p.m., Supervisory Border Patrol Agent C. Youngblood was driving southbound on Hollister Road in San Diego, California. Agent Youngblood observed a green Toyota Scion driving north on Hollister Road. Hollister road is approximately 3 miles west of the San Ysidro, California Port of Entry and approximately 500 yards north of the International Boundary Fence. Hollister Road is a notorious smuggling corridor in the Imperial Beach area of responsibility and agents frequently arrest both alien and narcotics smugglers in this area.

Agent Youngblood observed the green Scion was being driven by a heavy set Hispanic male and the vehicle appeared to be heavily laden. Agent Youngblood had previously spotted the same vehicle earlier in the shift driving westbound on Monument road. It was apparent to Agent Youngblood that the green Scion was scouting the area. As the green Scion passed Agent Youngblood's position, the vehicle directly behind the green Scion flashed its headlights and the driver motioned for Agent Youngblood to stop. Agent Youngblood stopped and the citizen from the vehicle stated the green Scion pulled up next to a sports utility vehicle, grey in color, which had just rolled over near Monument Road and Smugglers Canyon. The citizen stated several occupants ran out of the overturned vehicle, including a male Hispanic and a female with black hair, and entered the green Scion. The citizen provided a partial California plate number of 6BHD21 for the green Scion.

Agent Youngblood responded to the report of the overturned vehicle. Agent Youngblood arrived to the scene and searched the overturned vehicle, a Mercury Mountaineer, for any remaining occupants and found none. Field Operations Supervisor G. Miranda arrived on scene and found six people attempting to conceal themselves in a bush approximately thirty yards north of the overturned vehicle. Agents identified themselves as Border Patrol Agents and determined that all six people were citizens of Mexico with no legal right to stay or remain in the United States. The six people attempting to conceal themselves in the bushes stated they were occupants in the Mercury Mountaineer that had just rolled over. All of the occupants stated after the accident, the driver and front seat passenger fled the scene and entered another vehicle. All of the occupants stated a young Hispanic female with dark black hair was in the front passenger seat of the Mercury Mountaineer and a young Hispanic male was driving the Mercury Mountaineer they had loaded into.

At approximately 3:30 p.m., the six occupants of the Mercury Mountaineer were arrested and transported to the Imperial Beach Border Patrol station for processing.

At the time of the rollover accident, Smuggling Interdiction Group (SIG) Agent G. Ballesteros was conducting anti-smuggling duties in San Diego, California. Agent Ballesteros, monitoring radio communications, heard the partial plate and description of the suspected load vehicle and recognized the plate and description of the vehicle of which matched a vehicle he had encountered the day before in Imperial Beach, California. On April 23, 2008, Agent Ballesteros encountered a green Scion bearing a

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California plate of 6BHD421, scouting near Saturn Boulevard and Monument Road in Imperial Beach, California. Record Checks on the California plate 6BHD421 revealed the vehicle was registered to a Maritza or Oscar Ramirez residing at an address on Whitman Street in San Diego, California. Agent Ballesteros contacted SIG agents on scene at the rollover accident and relayed the information on the suspected scout vehicle. The vehicle description and partial plate provided by the citizen and the vehicle encountered by Agent Ballesteros were strikingly similar so Agent Ballesteros drove to the address of the registration of the vehicle.

At the address, Agent Ballesteros observed the green Scion bearing California place 6BHD421 stationed in the parking lot of the apartment complex. Agent Ballesteros contacted SIG agents and informed them he had found a vehicle matching the description of the citizen report. SIG and uniformed Imperial Beach Agents responded and conducted a knock and talk of the residence. Uniformed Agents D. Foreman, J. Viau, SIG Supervisory Border Patrol Agent A. Pacheco and Agent B. Soto approached the door of the residence and knocked and announced themselves as Border Patrol Agents in both the English and Spanish languages. A heavy-set male Hispanic, later identified as defendant #1 **Oscar Moises RAMIREZ**, answered the door of the apartment. Agents asked RAMIREZ if he would step outside and answer some questions and he complied. Six people could be observed sitting in the front room of the apartment. Agents asked RAMIREZ of what country he was a citizen of and he replied, "U.S". Agents also asked the six people they observed in the front room to come outside and answer questions. All of the people in the front room complied and came outside. Agents determined that four of the people in the front room, including one later identified as defendant #3 **Bruno De Jesus LOPEZ-Pedroza**, were citizens of Mexico with no legal right to enter or to remain in the United States. Two of the persons in the front room were determined to be United States Citizens. After determining RAMIREZ was possibly harboring illegal aliens, Agents asked for and received permission to enter the residence. Agents found two females and a newborn baby in one of the bedrooms. The two females and the newborn were determined to be United States citizens. One of the females was the mother of the child and RAMIREZ's girlfriend. The other female was later identified as defendant #2 **Claudia CALDERON-Morales**, the front seat passenger of the Mercury Mountaineer which had rolled over near Monument Road. Agents asked RAMIREZ if he knew why the Agents were there and RAMIREZ hung his head and stated, "Yeah, I know why you're here". Agents asked RAMIREZ if owned or drove a green Scion and stated, "Yeah, I was driving and I brought those people". Agents asked if anyone else was involved and he stated, "Yeah" and then pointed in the direction of the female found in the bedroom. At approximately 4:30 p.m., all of the involved parties were arrested and transported to the Imperial Beach Border Patrol Station for processing.

DEFENDANT STATEMENT #1: Oscar Moises RAMIRZ

Defendant #1 **Oscar Moises RAMIREZ** was advised of his Miranda rights in the English language. RAMIREZ understood his rights and was willing to answer questions without the presence of attorney. RAMIREZ was born in San Diego, California and is a citizen of the United States. RAMIREZ acknowledged he transported illegal aliens from an area near Hollister Street in Imperial Beach, California. RAMIREZ acknowledged he was arrested on April 24, 2008 at his residence with three smuggled aliens and two other accomplices from a smuggling event that resulted in vehicle accident near the border in San Ysidro, California.

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RAMIREZ stated that on April 23, 2008 he met with his friend defendant #3 **Bruno De Jesus LOPEZ-Pedroza** to scout possible locations for alien smuggling. LOPEZ showed RAMIREZ a location near Imperial Beach, California were he was going to look out for Border Patrol Agents near the area while LOPEZ smuggled people near by. RAMIREZ stated he and LOPEZ did a practice run on that day and LOPEZ showed him the area and explained to him the low risks involved. RAMIREZ said on April 24, 2008 he ran into LOPEZ at an undisclosed location. LOPEZ told him to meet him near Imperial Beach. RAMIREZ agreed and drove his Green Toyota Scion to meet with LOPEZ, who was driving a Black sport utility vehicle. RAMIREZ observed female riding in the front passenger seat, later identified as defendant #2 **Claudia CALDERON-Morales**. RAMIREZ arrived in the area at the south end of Hollister Street near a farm. LOPEZ told RAMIREZ to look out for Border Patrol Agents and scouted the area while periodically driving by LOPEZ and telling him the area was clear. RAMIREZ said he saw LOPEZ head down a dirt road. RAMIREZ said he attempted to position his vehicle at an opposite direction of the dirt road when he saw the Black SUV driving at a high rate of speed out of dirt road and onto the paved road and losing control and then flipping over.

RAMIREZ drove next to the crash site and yelled "let's go". LOPEZ exited the crashed vehicle and pulled CALDERON out and loaded into the Green Scion along with three other males he had never met. RAMIREZ said he never considered stopping to render aid or checking on the well being of anyone left in the crashed vehicle. RAMIREZ along with LOPEZ, CALDERON and the three smuggled aliens arrived at his apartment. RAMIREZ said he put the smuggled aliens in the living room of his apartment. While at his apartment, RAMIREZ and LOPEZ were discussing the accident and shortly after he heard Border Patrol Agents knock at his door. RAMIREZ said he knew that LOPEZ gets paid $350.00 USD per smuggled alien and he believed he was also going to get paid but he was uncertain of the amount.

DEFENDANT STATEMENT #2: Claudia CALDERON-Morales

Defendant #2 **Claudia CALDERON-Morales** was advised of her Miranda rights in the English language. CALDERON understood her rights and was willing to answer questions without the presence of attorney. CALDERON was born in San Diego, California and she is a citizen of the United States. CALDERON acknowledged she was a passenger in a Black Mercury Mountaineer and was a willing and active participant in transporting illegal aliens from an area near the Border in San Ysidro, California.

CALDERON said she received a call from defendant #3 **Bruno De Jesus LOPEZ-Pedroza** telling her "Fuska" wanted to meet and was coming over to pick her up. LOPEZ arrived with "Fuska" and told her they where going to pick up people. CALDERON knew that they were going to pick up illegal aliens. CALDERON stated that she and LOPEZ rode in a Mountaineer and met with defendant #1 **Oscar Moises RAMIREZ**, also known as "Big Bird" in Imperial Beach. CALDERON stated RAMIREZ was driving an "X-BOX" looking car, which she later identified as a Green Scion. CALDERON said LOPEZ drove south on Hollister Street making several turns. CALDERON said they drove down a dirt road for approximately 3 minutes and then several people approached the vehicle and got inside. CALDERON said she knew all the people entering the vehicle were illegal aliens. Once the aliens were inside the vehicle, CALDERON said LOPEZ exited the area at a high rate of speed and within a minute the vehicle overturned. CALDERON said after the vehicle flipped over she exited the vehicle through the window and got into the Scion. CALDERON said LOPEZ and three illegal aliens got inside the Scion. CALDERON also heard someone saying that someone was bleeding and that there were children in the crashed vehicle. CALDERON said she

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was scared but did not attempt to render assistance to the crash victims. CALDERON stated they arrived at RAMIREZ's apartment and after a few minutes Border Patrol Agents arrived and took her into custody.

CALDERON was presented with a photographic line-up display, labeled A, consisting of six photographs numbered 1 through 6. CALDERON identified photograph #4 as Oscar Moises RAMIREZ, the driver of Green Scion.

CALDERON was presented with photographic line-up display, labeled B, consisting of six photographs numbered 1 through 6. CALDERON identified photograph #5 as Bruno De Jesus LOPEZ-Pedroz, the driver of the Black Mercury Mountaineer.

DEFENDANT STATEMENT #3: Bruno De Jesus LOPEZ-Pedroza

Defendant #3 **Bruno De Jesus LOPEZ-Pedroza** was advised of his Miranda rights in the Spanish language. LOPEZ understood his rights and was willing to answer questions without the presence of attorney. LOPEZ stated he was born in Sinaloa, Mexico. LOPEZ stated he owed money to a subject known to him only as Hugo. Hugo had loaned LOPEZ approximately $1,000.00 USD and he had agreed to perform as an alien smuggler for Hugo. On April 22, 2008, LOPEZ claims Hugo arranged to smuggle him into the United States and was successful. LOPEZ claimed that he was taken to Hugo's residence. LOPEZ stated that Hugo had initially agreed to smuggle him into the United States without having to pay a fee. However, Hugo told LOPEZ he would have to pay $3,000.00 USD in addition to his prior debt of $1,000.00. LOPEZ stated that on April 23, 2008, he was contacted by Hugo and told that he had a job for him to do in lieu of payment for the debt LOPEZ owed.

On April 24, 2008, LOPEZ was picked up at Fashion Valley Mall in San Diego, California by Hugo and taken to Hugo's residence. At Hugo's residence, LOPEZ states there were two subjects known as Ivan or "Fuska," which is Hugo's employee and another subject identified as defendant #1 **Oscar Moises RAMIREZ** known to him as "Big Bird." LOPEZ was aware that Hugo and "Fuska" smuggle aliens into the United States. Hugo agreed that LOPEZ's debt would be reduced by $350.00 per alien he would help Hugo smuggle into the United States successfully. LOPEZ stated "Fuska" suggested he contact defendant #2 **Claudia CALDERON-Morales**, also known as Olivia and have her accompany them on their smuggling attempt. LOPEZ stated "Fuska" solicited CALDERON's help and revealed to her their intention to smuggle aliens into the United States. LOPEZ stated CALDERON agreed to accompany them knowing they would engage in illegal activities. RAMIREZ drove a Toyota Scion and LOPEZ drove a Mercury Mountaineer and CALDERON rode in the front passenger seat of the Mercury Mountaineer. LOPEZ and CALDERON followed RAMIREZ and "Fuska" to Imperial Beach. LOPEZ stated he was signaled by "Fuska" to where he was to pick up the smuggled aliens. LOPEZ stated he drove into the area where "Fuska" had signaled him and saw approximately ten individuals run down a hill and towards the vehicle he was driving. The unknown foot-guide of the group opened the doors to the vehicle and had the smuggled aliens get into it. LOPEZ admitted knowing the people boarding the vehicle were likely illegal aliens. Once the smuggled aliens where in the Mercury, LOPEZ stated that he sped away at a high rate of speed in an attempt to avoid detection or apprehension. LOPEZ stated that as he was driving away from the area, he made a sudden turn and lost control of the vehicle causing it to roll over on its roof.

LOPEZ stated that RAMIREZ stopped next to the Mercury and "Fuska" told LOPEZ to get into the Toyota Scion. LOPEZ stated as he made his way toward the Toyota, he heard through his cellular telephone Hugo

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instructing him to help his employees away from the area. LOPEZ described a subject matching the description of **Anibal HERNANDEZ-Rodriguez**, as a subject who called out to him from the wrecked Mercury and said, "I work for Hugo!" HERNANDEZ, LOPEZ, CALDERON and two others boarded the Toyota Scion and RAMIREZ then drove away from the scene of the incident. LOPEZ stated he did not render medical assistance nor ensured that anybody in the wrecked Mercury had been seriously hurt. LOPEZ admitted his primary objective was to avoid detection or apprehension. LOPEZ stated RAMIREZ drove them to his residence in San Diego. LOPEZ stated that RAMIREZ' father arrived at the residence and picked up "Fuska".

LOPEZ admitted he was issued the Mercury Mountaineer for the purpose of committing an act of alien smuggling. He also admitted the vehicle accident was likely caused by his speeding along a dirt road in a vehicle loaded over its maximum capacity. LOPEZ implicated CALDERON and RAMIREZ as active, willing, and knowing participants of the alien smuggling event.

LOPEZ was shown a photographic lineup display, labeled A, containing six photographs of individuals apprehended in this smuggling event. LOPEZ identified the individual depicted in photograph #4 as Oscar Moises RAMIREZ, the individual who provided surveillance of the area as LOPEZ committed the alien smuggling act. Through earlier statements, RAMIREZ was identified as the same individual who transported LOPEZ, CALDERON, and three smuggled aliens away from the scene of the collision and to his residence in San Diego in the Toyota Scion.

LOPEZ was shown a photographic lineup display, labeled B, containing six photographs of individuals apprehended in this smuggling event, including himself. LOPEZ identified himself as the individual depicted in photograph #5. LOPEZ also identified the subjects in photographs #2 and the photograph #3 as foot-guide alien smugglers employed by Hugo.

LOPEZ was shown a photographic lineup display, labeled C, containing three photographs of female subjects. LOPEZ identified the individual depicted in photograph #2 as Claudia CALDERON-Morales, the individual who agreed to accompany him, having full knowledge that LOPEZ would attempt to smuggle aliens into the United States.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Martin SOLTERO-Munoz, Josue PEREZ-Bustos,** and **Anibal HERNANDEZ-Rodriguez** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay $2,500.00 to $3,000.00 (US) to be smuggled into the United States. Material witnesses PEREZ-Bustos and HERNANDEZ-Rodriguez were shown a photographic line up and were able to identify photo #4 as defendant #1 Oscar Moises RAMIREZ, the driver of the Toyota Scion, photo #5 as defendant #3 Bruno De Jesus LOPEZ-Pedroza, the driver of the Mercury Mountaineer and photo #2 as defendant #2 Claudia CALDERON-Morales, the passenger inside the Mercury Mountaineer. Material witness SOLTERO-Munoz was shown a photographic lineup and was able to identify photo #2 as defendant #2 Claudia CALDERON-Morales, the female who had been in the passenger seat of the Mercury Mountaineer.

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Executed on April 26, 2008, at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 5 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **April 24, 2008,** in violation of Title 8, United States Code, Section 1324.

Nita L. Stormes
United States Magistrate Judge

4-26-08 @ 12:30pm
Date/Time